



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Gary Wilson and  
Shaune Collins, County Police Officer  
(S9999R), Camden County

CSC Docket No. 2019-306 and  
2019-308

Administrative Appeals

**ISSUED: OCTOBER 4, 2018** (DASV)

Camden County requests that the appointment of Gary Wilson and Shaune Collins be recorded from the eligible list for County Police Officer (S9999R), Camden County, effective July 14, 2014. Since these matters address similar issues, they have been consolidated herein.

By way of background, the eligible list for County Police Officer (S9999R), Camden County, promulgated on May 2, 2014 and expired on March 22, 2017. Wilson and Collins, non-veterans, were certified from the eligible list on May 29, 2014 (OL140716). In disposing of the certification, the appointing authority bypassed Wilson, who was reachable for appointment and ranked 116 on the certification. Collins, who ranked last at 150, was not reachable for appointment. It is noted that Jillian (Glassman) O'Connor, William Harris IV, and Jason Kolbe, non-veterans, ranked higher than Collins on the certification at 142, 148, and 149, respectively. They were also considered not reachable for appointment. The last appointment made was at rank 136, and the other eligibles who ranked 137 through 141 were removed for various reasons.

The appointing authority requests that the May 29, 2014 certification (OL140716) be amended to reflect the appointments of Wilson and Collins effective July 14, 2014. It states that the certification had been miscoded reflecting Wilson's bypass and Collins' non-appointment. However, the appointing authority maintains that they were both appointed and have successfully completed their working test period as County Police Officers.

It is noted that since Collins was not reachable for appointment, agency staff sent a notice to O'Connor, Harris, and Kolbe and provided them with the opportunity to express their interest in a position. No response was received. The appointing authority also verifies that it did not receive responses from these eligibles, but it would consider additional hires.

## CONCLUSION

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause, on notice to affected parties. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date. Furthermore, *N.J.S.A.* 11A:4-8, *N.J.S.A.* 11A:5-6, and *N.J.A.C.* 4A:4-4.8(a)3i, "Rule of Three," allow an appointing authority to select any of the top three interested eligibles on an open competitive list, provided that disabled veterans and then veterans shall be appointed in their order of ranking.

In the present matter, as a result of an administrative error, the subject certification was miscoded and noted Wilson's bypass. However, the record demonstrates that Wilson has been continuously employed as a County Police Officer with Camden County since July 14, 2014. He was also reachable for appointment from the certification. Therefore, based on the foregoing, ample cause exists to revive the County Police Officer (S9999R), Camden County, eligible list and grant Wilson a retroactive appointment to the title of County Police Officer effective July 14, 2014.

Regarding Collins, the appointing authority asserts that it also miscoded Collins' disposition on the subject certification and that he was in fact appointed effective July 14, 2014. However, the record indicates that he was not originally reachable for appointment. Notwithstanding the correction of Wilson's disposition on the certification as appointed, O'Connor, Harris, and Kolbe still rank higher than Collins and would be reachable for appointment. Nonetheless, despite the opportunity to respond with interest in a position, no such response was received from these eligibles. Therefore, based on the foregoing, ample cause exists to revive the County Police Officer (S9999R), Camden County, eligible list and grant Collins a retroactive appointment to the title of County Police Officer effective July 14, 2014. It is emphasized that affording Collins an appointment does not violate the "Rule of Three" as the higher ranked eligibles did not express an interest in the

position. See *N.J.S.A.* 11A:4-8, *N.J.S.A.* 11A:5-6, and *N.J.A.C.* 4A:4-4.8(a)3i. Accordingly, the subject certification shall be amended to reflect their non-interest.<sup>1</sup>

Furthermore, since the appointing authority confirms that Wilson and Collins have successfully completed their working test periods, their appointments are considered permanent, for seniority, salary step, and examination eligibility purposes. See e.g., *In the Matter of Winfred L. Christy, Police Officer (M1847M). Borough of Lindenwold* (MSB, decided January 15, 2003).

### ORDER

Therefore, it is ordered that this request be granted and the eligible list for County Police Officer (S9999R), Camden County, be revived to effectuate the appointments of Gary Wilson and Shaune Collins, effective July 14, 2014, in accordance with this decision.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 3<sup>RD</sup> DAY OF OCTOBER, 2018



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<sup>1</sup> These eligibles will not be removed from the eligible list and will be coded as "I7," interested in future certifications only.

c: Emeshe Arzon, Esq.  
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